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10/583,027	06/15/2006	Jens Geiser	291787US6PCT	6978
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.				
1940 DUKE STREET				
ALEXANDRIA, VA 22314				
			EXAMINER	
				TORRES, ALICIA M
			ART UNIT	PAPER NUMBER
			3671	
NOTIFICATION DATE		DELIVERY MODE		
06/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/583,027	<b>Applicant(s)</b> GEISER, JENS
	<b>Examiner</b> ALICIA M. TORRES	<b>Art Unit</b> 3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 June 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

***Specification***

1. The abstract of the disclosure is objected to because the legal phrasology "means" and "said" is used. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phrasology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Objections***

2. Claim 1 is objected to because of the following informalities: there is lack of antecedent basis for "axis of articulation" in line 28, 29. Two vertical articulating axes have been defined, it should be made clear which axis the "axis of articulation" is referring. Appropriate correction is required.

Claim 4 is objected to because of the following informalities: it should be specified that the already established hydraulic cylinders are single-acting. Appropriate correction is required.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cortopassi et al. 4,147,017.

Cortopassi et al. discloses a haymaking machine comprising a frame (10) that consists of: a longitudinal beam (52, and the longitudinally extending central beam between side beams 14 in Figure 3);

a hitching device (56) that is articulated on the beam (52, central beam) by means of a substantially vertical axis (at 58);

a crossmember (unnumbered wheel axle) that is attached to the beam (52, central beam) and that carries soil resting wheels (12);

which frame (10) carries at least one work member (64) capable of moving plants or other products lying on the ground, characterized in that:

the beam (52, central beam) is made in at least two parts that are situated one behind the other and that are articulated with one another by means of at least one substantially vertical axis (at 54) making it possible to move one of the parts relative to the other;

the hitching device (56) is articulated on the foremost part (52);

the crossmember (unnumbered wheel axle) with the wheels (12) and the work members (64) are carried by the rearmost part (longitudinally extending central beam located between side beams 14 seen in Figure 3); and

the work members (64) can be moved with the rear part (central beam between side beams 14 in Figure 3) about the axis of articulation (54) into different work positions obtained by pivoting the front part (52) about its axis of articulation (58) with the hitching device (56);

two single-acting hydraulic cylinders (60, 62) are connected to each part of the beam (52, central beam) and offset laterally relative to the axis of articulation (54), one on the right and the other on the left of the axis of articulation (54), between the two parts (52, central beam) of the beam.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortopassi et al. in view of Rezabek 2,806,337.

The device is disclosed as applied above. However, Cortopassi et al. fails to disclose a mechanism for controlling the soil resting wheels that extends from the hitching device to said wheels and that comprises an articulation at the axis of articulation between the two parts of the beam;

Characterized in that the control mechanism comprises a first rod that is articulated on the hitching device and a second rod that is connected to a pivot articulated on the frame and to which are connected a third and a fourth rod that steer the wheels, said first and second rods being articulated one relative to the other at the axis of articulation between the two parts of the beam;

Characterized in that the first and second rods are articulated on a lever that is itself articulated on an axis concentric with the axis of articulation between the two parts of the beam.

Rezabek discloses a similar frame including a mechanism for controlling the soil resting wheels that extends from the hitching device (27) to said wheels (15) and that comprises an articulation at the axis of articulation (at 109) between the two parts of the beam (110, 13);

Characterized in that the control mechanism comprises a first rod (110) that is articulated on the hitching device (27) and a second rod (21) that is connected to a pivot articulated on the frame (13) and to which are connected a third (23) and a fourth (19) rod that steer the wheels (15), said first (110) and second (21) rods being articulated one relative to the other at the axis of articulation (at 109) between the two parts of the beam (110, 13);

Characterized in that the first (110) and second (21) rods are articulated on a lever (109) that is itself articulated on an axis concentric with the axis of articulation (also at 109) between the two parts of the beam (110, 13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the wheel steering control mechanism of Rezabek on the hitching device of Cortopassi et al. in order to easily maneuver the pulled tool over an intended course of travel.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cunningham, Jr. et al., Overesch and Riedinger have been cited as of interest.

Art Unit: 3671

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Friday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-3600. The fax number for this Group is 571-273-8300.

/Alicia M Torres/  
Patent Examiner, Art Unit 3671  
May 27, 2008